

COUNCIL CHAMBERS -- CITY COUNCIL  
CITY HALL -- CITY OF LODI

Monday, November 20, 1933

This regular meeting of the City Council was called to order at 8:00 o'clock P. M. on the date first above written; Councilmen Clark, Keagle and Weihe present.

On motion of Councilman Keagle, Weihe second, Councilman Clark was made Mayor pro tem and the meeting opened.

Mayor Steele appeared at this time and took his seat. Councilman Spooner was absent.

The minutes of the regular meeting of November 6, 1933 were read, approved as read and so endorsed by the Mayor

Public Hearings:

Mr. Earl May, Secretary of Lodi Volunteer Fire Department, addressed the Council in regard to the City carrying an employee injured on duty for the seven days before the City's Compensation insurance would be effective.

After some discussion, the Council decided to make no set rule but to decide each case on its merits.

The case of Gottlieb G. Hust injured at a fire October 25 and unable to work until November 6. Mr. Hust had been paid for two days in the amount of \$7.14 by the State Compensation Insurance Fund.

On motion of Councilman Keagle, Weihe second, Mr. Hust was allowed one week's pay at the rate set by the Compensation Insurance Fund.

Mr. T. A. Hinzman appeared asking a refund on account of street improvement and taxes paid by him on a parcel of land 20 x 100 feet now a part of Maple Street. The clerk was directed to look up the record in this matter and report at the next meeting.

Mr. T. A. Waite applied for water service extension to his land outside the North boundary of the City.

The Mayor informed Mr. Waite that owing to the status of pending water litigation, no extensions outside the City could be considered at this time.

Licenses to vend beer were ordered granted to W. J. Powers, 110 North School Street and to Peter Calpakis, 29 North Sacramento Street.

Mayor Steele reported orally on his attendance at the State Water Plan Meeting in Stockton on November 7.

Ordinance No. 200, entitled "An Ordinance Declaring All Old Buildings or Structures, which are Dilapidated Beyond Repair, to be Public Nuisances, and Providing for the Abatement of Such Nuisances", having been regularly introduced at the meeting held November 6 and thereat laid over for the statutory period of not less than five days, was brought up for final passage and on poll of the Council was finally passed, approved and ordered to print by the following vote:

AYES: Councilmen Clark, Keagle, Weihe and Steele  
NOES: Councilmen, None  
ABSENT: Councilman, Spooner

The Mayor then approved and signed the Ordinance.

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Four building permits Nos. 1090 - 1093 for structures to cost \$675.00 were ordered granted.

Bills in the amount of \$2,600.93, comprising claims Nos. 20839 to 20880 inclusive, as approved by the Finance Committee were allowed and ordered paid on motion of Councilman Clark, Weihe second.

On motion of Councilman Clark, Weihe second, the Clerk was directed to write letters of appreciation to the Honorable Wm. Gibbs McAdoo and to the Honorable Hiram W. Johnson, thanking them for their efforts in behalf of the cities of the United States particularly in tax matters.

At 9:00 P. M. the Mayor called the Council into Executive session, returning to open meeting at 10:30 P. M.

In the matter of the application of this City for a grant and loan of Federal moneys to construct an hydro-electric power plant, Resolution No. 696 was introduced on motion of Councilman Weihe, Clark second and adopted by the following vote:-

AYES: Councilmen, Weihe, Clark, Keagle and Steele.

NOES: Councilmen, None.

ABSENT: Councilman, Spooner.

(Note - The full text of the above Resolution appears on page 73 hereof and following pages)

No further business appearing, the Mayor declared the meeting adjourned to and until the day and hour of the next regular meeting to be held December 4th., 1933.

Attest:

*J. F. Beasley*  
City Clerk

The foregoing minutes read and approved at a regular meeting of the City Council of the City of Lodi held December 4, 1933

*E. M. Steele*  
Mayor of the City of Lodi

December 4, 1933.

(Minutes of November 20, 1933)

RESOLUTION NO. 696

WHEREAS, the City of Lodi has heretofore entered into an agreement with the Colorado Power Company under which a certain power site consisting of real property located on the Mokelumne River a short distance below the Pardee Dam in Calaveras and Amador Counties was conveyed to the City of Lodi for the development of a municipal hydro-electric plant; and,

WHEREAS, said property was accepted by the City Council of Lodi for use and development of a municipal power project thereon, subject to the conditions subsequent in the said conveyance therein set forth; and,

WHEREAS, previous to the said conveyance litigation had ensued between the Colorado Power Company, the grantor to the City of Lodi, and the Pacific Gas and Electric Company, involving the right of the said Pacific Gas and Electric Company to construct and operate its proposed new Mokelumne development and thereby trespass upon the riparian right of the Colorado Power Company; and,

WHEREAS, subsequently, the Supreme Court of the State of California affirmed the decision of the Superior Court of Calaveras County thereby compelling the Pacific Gas and Electric Company to annually release and return to the said river, from storage and/or natural flow, an average daily release of 475 cubic feet per second for each day so long as there is water in any of the Pacific Gas and Electric Company's storage works; and,

WHEREAS, following the said conveyance, litigation ensued between the City of Lodi and the East Bay Municipal Utility District involving the extent of the right to the use of the natural flow of the Mokelumne River at said site by the City of Lodi as opposed to the asserted right of the East Bay Municipal Utility District to condemn and extinguish said water right to the extent of its proposed ultimate diversions, which litigation has now been finally terminated, and the said District having acquired its asserted right; and,

WHEREAS, for the purpose of protecting the City's municipal water supply, the City of Lodi has prosecuted additional litigation against the said East Bay Municipal Utility District and Pacific Gas and Electric Company in the Superior Court of the County of San Joaquin, to insure a sufficient flow in the Mokelumne River to maintain the percolation into the City's wells; and,

WHEREAS, the Honorable Benjamin C. Jones, Judge, presiding in the Superior Court of San Joaquin County at said trial, has rendered and entered a judgement in favor of the City of Lodi requiring specific releases by the Pacific Gas and Electric Company and East Bay Municipal Utility District of certain flows of water; and,

WHEREAS, such released flows together with all other waters diverted from the water shed for municipal and domestic uses, will pass over and across the property conveyed to the City of Lodi by the Colorado Power Company, and such waters will be available for the development of hydroelectric energy at the said City of Lodi power site; and,

WHEREAS, the City Council believes that the present and future economic development of the City of Lodi and its adjacent territory is largely dependent upon the securing of an independent and assured source of hydro-electric power ~~xx~~ whereby electrical energy may be available at a low cost; and,

WHEREAS, said City of Lodi heretofore passed and adopted its Resolution No. 683 pursuant to which Messrs. Nelson A. Eckart, Walter L. Huber and Fred C. Herrmann, Consulting Engineers, were employed to fully and completely investigate and report upon the present facts concerning costs, markets, finances and economic feasibility of construction and operation of the power project as hereinbefore referred to and as it may be adapted to the needs of the City of Lodi and its adjacent territory; and,

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(Minutes of November 20th, 1933--continued)

WHEREAS, said three consulting engineers have reported to the City Council of the City of Lodi that the construction of said hydro-electric plant is feasible and that the estimated cost of the project, including the dam, power plant, transmission line and step-up and step-down transformer stations necessary to connect with, correlate and be used in connection with the existing distribution system of the City of Lodi is tentatively placed at \$ 500,000.00; and,

WHEREAS, said City Council heretofore passed and adopted its Resolution No. 687, a certified copy of which has been filed with the Federal Emergency Administration of Public Works, Washington, District of Columbia, wherein said City Council signified its intention to file with said Federal Emergency Administration of Public Works a complete and detailed application for a grant and loan in accordance with the provisions of the National Industrial Recovery Act of the United States; and,

WHEREAS, the City Council of the City of Lodi has been advised that certain contingencies in the acquisition, construction, and completion of said hydro-electric power project and transmission line will arise necessitating expenditures in addition to those provided for in the said engineers' estimate, such additional contingencies amounting to as much as \$80,000.00; and,

WHEREAS, it will therefore be necessary to obtain a grant and loan for the purposes aforesaid of \$580,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lodi shall make and file an application, and the City Attorney of said City is hereby authorized for and on behalf of said City, to make, sign and file with the Federal Emergency Administration of Public Works an application for a loan and grant to said City of Lodi in the sum of \$580,000.00 wherewith to acquire, build and construct the said power project including the dam, power plant, transmission line and step-up and step-down transformer stations and appurtenances necessary to connect with, correlate and be used in connection with the existing electrical distribution system of said City of Lodi:

BE IT FURTHER RESOLVED, that said application for said grant and loan shall state that all moneys which may be lent to said City pursuant thereto and the repayment thereof, shall be secured by general tax lien bonds of said City, whereby both principal and interest upon the bonds issued shall be paid from funds to be derived from taxation upon the taxable property within the corporate limits of the City of Lodi, which bonds shall be issued if and when authorized by the electors of said City of Lodi after proceedings to be duly had for such purpose:

BE IT FURTHER RESOLVED, that said application shall request that such part of said sum of \$580,000.00 as can or may be granted to said City of Lodi, pursuant to said National Industrial Recovery Act, shall be so granted and that the balance thereof shall be lent to said City upon the security of said bonds;

BE IT FURTHER RESOLVED, that said City Attorney is hereby authorized and directed, in support of said application, to file with the Federal Emergency Administrator of Public Works, such maps, reports, papers, records, files and other supporting data as may be necessary and proper.